

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EFREN CARDONA, RONY FRANCISCO
MOX-CUTZEN, and JUAN BAUTISTA
CARRETO-PAZ, individually and on behalf of
other employees similarly situated, Plaintiffs
v.
DUCK WALK, INC. AND WORRACHI
NUSPHAYOON individually, Defendants.

Case No. 14-cv-10056

Judge Shah

PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AND TO APPROVE DAMAGES

Plaintiffs Efren Cardona, Rony Francisco Mox-Cutzen, and Juan Bautista Carreto-Paz, through their attorneys, hereby request that this Court approve Plaintiffs' Motion for Default Judgment and to Approve Damages. In support of their motion, Plaintiffs state as follows:

1. This is a case arising out of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201 *et seq.*, and the Illinois Minimum Wage Law ("IMWL"), 820 ILCS 105/1 *et seq.*, for Defendants' failure to pay Plaintiffs overtime wages for all time worked in excess of forty (40) hours in a workweek, in violation of those statutes.

2. On December 15, 2014, Plaintiff Efren Cardona filed a Complaint alleging violations of the overtime provisions of the FLSA and the IMWL. ECF No. 1.

3. On January 31, 2015, Plaintiffs filed a First Amended Complaint, adding Rony Francisco Mox-Cutzen and Juan Bautista Carreto-Paz to the lawsuit. ECF No. 7.

4. On April 8, 2015, this Court entered an order of default against all Defendants. ECF No. 16. Defendants subsequently appeared in the lawsuit through counsel, who then withdrew. Defendants remain in default. ECF No. 22.

5. Pursuant to Fed. R. Civ. P. 55(b)(1), Plaintiff asks that this Court enter a default judgment as to all Defendants, and submit this motion in support of Plaintiff's claim for damages.

6. Plaintiff Efren Cardona's damages total \$36,036.00. *See* Damages Summary, attached as Attachment 1 to Exhibit A.

7. Plaintiff Rony Francisco Mox-Cutzen's damages total \$21,700.00. *See* Damages Summary, attached as Attachment 1 to Exhibit B.

8. Plaintiff Juan Bautista Carreto-Paz's damages total \$9,379.50. *See* Damages Summary, attached as Attachment 1 to Exhibit C.

9. Plaintiffs' Attorneys' Fees and Costs in this matter total \$5,840.00 in attorneys' fees, and \$965.00 in litigation costs. *See* Affidavit of attorney David Stevens, attached hereto as Exhibit B, and Attorneys' Time and Expense Record, attached as Attachments 1 and 2 to Exhibit B.

10. Plaintiff therefore asks that this Court enter judgment in favor of Plaintiffs and against Defendants Duck Walk, Inc. and Worrachi Nusphayoon, jointly and severally, in the gross amount of \$67,115.50, and award Plaintiffs' counsel, David E. Stevens, attorneys' fees and costs in the amount of \$6,805.00.

Respectfully submitted,

/s/ David E. Stevens

David E. Stevens

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One of Plaintiffs' Attorneys